

REMARKS

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicants note that the Examiner has not indicated whether the drawings filed in the application have been accepted. Applicants further note that the Examiner previously indicated that he was delaying indicating the acceptability of the drawings until such time as the application is in condition for allowance. Applicants believe that the filed drawings are acceptable, and based on the present amendment, believe all the claims are in condition for allowance. Accordingly, the Examiner is respectfully requested to confirm the acceptance of the drawings in the next official communication.

Claims 1 and 15 stand objected to due to a minor informality in the claims. Specifically, line 5 of claims 1 and 15 recites "levels:", when it should recite ---levels;---. Applicants thank the Examiner for noting this minor error in the claims. By the current amendment, Applicants amend claims 1 and 15 to change "levels:" to ---levels;---. Applicants submit that the amendments to claims 1 and 15 do not affect the scope of the claims, and were not made to overcome any prior art, but merely to correct a typographic error. Accordingly, no estoppel should apply thereto.

Applicants respectfully traverse the Examiner's 35 U.S.C. §102(e) rejection of claims 1, 2, 8, 9, 15 and 16 as being anticipated by U.S. Patent 7,071,902 to KAWAHARA.

Subject matter developed by another person, which qualifies as prior art under 35 U.S.C. §102(e), §102(f) or §102(g) shall not preclude patentability where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. Applicants submit that the assignee of KAWAHARA and the present application are the same. That is, KAWAHARA is assigned to

Matsushita Electric industrial Co., which the same assignee as the present application.

Accordingly, Applicants submit that KAWAHARA is not a valid prior art document with respect to the present application.

Further, KAWAHARA claims priority of two Japanese documents; namely, Japanese documents 11-103590 and 11-135290. Applicants note that Japanese Publication No. 2001-034229, which corresponds to Japanese priority document 11-103590, was published on February 9, 2001. On the other hand, the U.S. filing date of the present U.S. application is July 5, 2001, while the filing date of the first priority document upon which the present application is based (e.g., 2000-206422) has a date of July 7, 2000. Accordingly, Applicants submit that the priority date of Japanese priority application 2000-206422, claimed by the present application, is earlier than the publication date of the corresponding Japanese application to KAWAHARA. In addition, Applicants note that the subject matter of claims 1-21 of the present application are disclosed in the first priority document upon which the present application is based (e.g., 2000-206422).

Applicants herewith submit a verified copy of Japanese priority document 2000-206422 that is claimed by the present application. Applicants submit that the subject matter of the pending claims may be found in the priority document, and that the July 7, 2000 filing date of priority application 2000-206422 pre-dates the February 9, 2001 publication date of the corresponding Japanese application to KAWAHARA. Accordingly, Applicants submit that the pending claims are allowable over KAWAHARA, and respectfully request such an indication from the Examiner.

The Examiner also withdrew claims 3-7, 10-14 and 17-21 from further consideration in view of the rejection of generic claims 1, 8 and 15. Applicants respectfully traverse the

withdrawal of claims 3-7, 10-14 and 17-21 from further consideration, submitting that generic claims 1, 8 and 15 are allowable over the art of record. As discussed above, KAWAHARA is not a valid prior art document. Accordingly, upon withdrawal of the 35 U.S.C. §102(e) rejection, generic claims 1, 8 and 15 will be in condition for allowance. Thus, Applicants submit that withdrawn claims 3-7, 10-14 and 17-21 will also be allowable, and respectfully request such an indication from the Examiner.

In view of the above discussion, Applicants submit that all the claims in the application are allowable. The Examiner is respectfully requested to indicate such in the next official communication, and to pass this application to issue.

SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention, as defined by the claims in the application, and in further view of the above remarks, reconsideration of the Examiner's action and allowance of the present application is respectfully requested and is believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

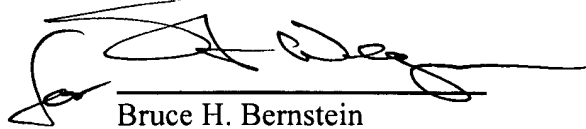
Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact
{P22007 00114706.DOC}

P22007.A14

the undersigned at the telephone number listed below.

Respectfully submitted,
Tomoko MORITA et al.

A handwritten signature in dark ink, appearing to read "Bruce H. Bernstein", written over a horizontal line.

Bruce H. Bernstein
Reg. No. 29,027

January 8, 2007
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Steven Wegman
Reg. No. 31,438